Remarks

Claims 1-12 and 14-21 are pending.

Claim 1 has been corrected in accordance with paragraph 7 of the Office Action. "An" has been re-inserted in Claim 1 after having been inadvertently omitted in the last claim listing.

Claims 1-5, 7-11, 14-18 and 20 were rejected under Section 103 as being obvious over Henry (6,681,392). Claims 6, 12 and 19 were rejected under Section 103 as being obvious over Henry in view of admitted prior art.

Installing Peripheral Software In Response To Initialization Of The Driver Is Not An Obvious Modification Of Henry

Claim 1 recites installing peripheral software in response to initialization of the device driver on the client computer and then completing installation of the device driver. Claim 8 recites reading a description file during installation of a device driver, installing the associated software in response to an installation procedure in the description file and then completing installation of the driver.

Henry discloses a software system running on a server computer that can install device drivers and other software on a remote client computer. The install engine determines which software to install by direct user input or be executing a script file. Henry, column 6, lines 29-34. Even if it is assumed that the utilities mentioned in Henry are the claimed peripheral software, as asserted by the Office, Henry still does not say anything about installing a utility in response to initializing the device driver. Nevertheless, the Office argues that because Henry's script file "can be" used to install a utility in response to initialization of the driver, it would be obvious to modify Henry to perform the claimed installation "in order to insure installation of the driver and its associated utilities." Office Action, pages 3-4 and 9.[1]

The Office's argument is insufficient to sustain the rejection in two respects. First, there is no teaching in Henry that his script file could be used to install a utility in response to initializing the device driver. The Office's finding in this regard is speculative. Henry teaches only that his script file includes a list of software and instructions to automatically install the software. Henry, column 4, lines 61-65 and

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[1] The Office does not address Claim 1 anywhere in the Office Action. The remarks on pages 3-4 of the Office Action are directed to Claim 8. Applicant assumes the Office intended similar remarks for Claim 1.

column 6, lines 29-34. Second, even if it is assumed that Henry's script file could be used to install a utility in response to initializing the driver, there is no suggestion in Henry that his script file should be used to install a utility in response to initializing the driver. The motivation to modify Henry proffered by the Office -- " in order to insure installation of the driver and its associated utilities" -- is a generalized benefit that motivates the use of any method for installing any combination of software, including the script file listing and user intervention methods taught by Henry. As such, someone reading Henry might be motivated to following the teachings of Henry to obtain this general benefit, but that hardly means someone would be motivated to modify Henry in the specific manner recited in Claim 1 or Claim 8 to obtain this benefit. If the Office's position is accepted, then Henry would render obvious any and all methods for installing a driver and associated software.

Finally, the Office seems to suggest that the "response" limitation in Claims 1 and 8 is met in Henry by signaling the driver that the installation is a remote installation and that any initialization requiring user intervention must be suppressed. Office Action, page 3, citing Henry, column 5, lines 44-58. Applicants fail to see the relevance of this passage in Henry to the claim limitations. Nothing in this passage of Henry (or anything else in Henry) suggests reading the script file in response to initialization of the driver. The fact that Henry's installation software might signal the driver to suppress processes requiring user intervention says nothing about reading the script file in response to driver initialization.

Henry Does Not Teach The Sequence Of Invoking The Driver, Installing The Associated Software, And Then Completing Installation Of The Driver

Claim 1 recites invoking the device driver, installing the associated software in response to initializing the driver, and then completing installation of the driver. Claim 8 recites reading a description file during installation of a device driver, installing the associated software in response to an installation procedure in the description file and then completing installation of the driver. Applicant acknowledges that Henry teaches the complete installation of a driver without rebooting the client computer, as noted by the Office at page 4 of the Office Action. Henry, however, does not teach the sequence of steps recited in Claim 1 or Claim 8.

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There is no indication in Henry when a utility related to a driver is installed -- before, during or after the driver is installed.

Specifically with regard to Claim 8, there is nothing in Henry that even remotely suggests reading, during installation of the driver, a description file that includes installation instructions for a utility, installing the utility in response to those installation instructions and then completing installation of the driver. Henry's disclosure of a script file, standard operating system function calls, and values in a remote registry cited by the Office suggest nothing about the timing or trigger for installing any driver and utility that may be listed in the script file, other than the fact that they are both installed if they are both listed in the script file. Absent some teaching or suggestion to the contrary, it is only reasonable to assume that each such item of programming is installed independent of the installation of any other item. Certainly, there is nothing in Henry's description of a script file, standard operating system function calls, and values in a remote registry that suggests the installation of a driver occurs first, triggers the installation of a utility, the driver installation is then interrupted while the utility is installed, and then completed only after the utility is installed.

For all of these reasons, Claims 1 and 8 are felt to distinguish patentably over Henry. Claim 14 is a system counterpart to the method of Claim 8. The computer medium of Claim 21 contains similar limitations. For some or all of these same reasons, therefore, Claims 14 and 21 also distinguish over Henry. Claims 2-7, 9-12 and 15-20 are also felt to distinguish over Henry (or Henry and APA) due to their dependence on Claims 1, 8 and 14, respectively.

Further with regard to Claim 2, which adds to the method of Claim 1 the steps of reading a description file that includes a name of the associated software and an installation procedure and installing the associated software according to the installation procedure, as discussed above specifically for Claim 8, Henry does not teach these additional limitations.

Further with regard to Claims 4 and 10, which add the step of modifying the driver to read the description file, the Office cites to Henry's script commands and suppression of user intervention during initialization as teaching this additional limitation. The Office fails to explain, however, how these features in Henry having anything relevance at all to modifying the driver to read the description file during initialization. If fact, these features have no relevance to the limitation added in .

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Claims 4 and 10. It is interesting to note that the Office has taken the position that Henry's script file is the claimed description file. Yet, the Office fails to show any teaching in Henry that a device driver reads the script file during initialization generally, and more specifically, that the device driver is modified to read the script file during initialization. For this additional reason, Claims 4 and 10 distinguish patentably over Henry.

Claim 21 is directed to a computer readable medium having programming thereon that includes a driver for the peripheral, software for the peripheral designed to accompany the driver, and an installation description file configured to identify the software and the installation method for the software to the driver. The driver is configured to read the installation description file and invoke the installation of the software according to the installation method. The Office does not address Claim 21 in the Office Action. For the reasons noted above for Claim 8, Henry does not teach or suggest an installation description file configured to identify the software and the installation method for the software *to the driver* or a driver configured to read the installation description file and invoke the installation of the software according to the installation method.

The foregoing is believed to be a complete response to the outstanding Office Action.

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